

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

AMAZON.COM INC et al.,

Defendant(s).

CASE NO.  
2:23-cv-00811-TL

ORDER REGARDING INITIAL  
DISCLOSURES, JOINT STATUS  
REPORT, AND EARLY SETTLEMENT

**I. INITIAL SCHEDULING DATES**

The Court SETS the following dates for the initial disclosure and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 7/5/2023

Initial Disclosures Pursuant to FRCP 26(a)(1): 7/19/2023

Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f): 8/2/2023

Any request for an extension of the deadlines above must comply with the procedures set forth in this Court's Standing Order for All Civil Cases. *See* [https://www.wawd.uscourts.gov/sites/wawd/files/LinStandingOrderreCivilCases\\_0.pdf](https://www.wawd.uscourts.gov/sites/wawd/files/LinStandingOrderreCivilCases_0.pdf).

Plaintiffs and any Defendants who have appeared shall meet and confer before contacting the Court to request an extension and include a certification as to this requirement with any opposed motion.

If this case involves claims that are exempt from the requirements of Federal

1 Rules of Civil Procedure ("FRCP") 26(a) and 26(f), please notify Kadya Peter,  
 2 Courtroom Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov), so that the Court can modify  
 3 the case scheduling order as necessary.

## 4 II. PROCEDURAL INFORMATION

5 All counsel and Parties are encouraged to advise the Court of their pronouns and  
 6 honorifics (such as Ms., Mx., or Mr.) by, for example, noting them in signature lines  
 7 or advising the Courtroom Deputy before a hearing begins, either via email or in person.

8 The Court has a strong commitment to fostering the development of new and  
 9 diverse lawyers in the legal community. Consequently, the Court strongly encourages  
 10 litigants to provide opportunities for less experienced lawyers or lawyers whose identities  
 11 and/or backgrounds further the diversity of the legal profession to conduct hearings  
 12 before the Court, particularly where they contributed significantly to the underlying  
 13 motion or prepared the witness. While typically only one lawyer may argue on behalf of  
 14 a Party at a hearing, the Court may allow multiple attorneys to argue on behalf of a client  
 15 to achieve this end. Counsel should advise the Court prior to the hearing if they intend to  
 16 have multiple lawyers argue a case pursuant to the Court's commitment to diversity. Of  
 17 course, the ultimate decision of who speaks on behalf of the client is for the client and  
 18 not the Court.

19 All counsel and *pro se* Parties shall review the Local Rules, Electronic Filing  
 20 Procedures for Civil and Criminal Cases, court forms, instruction sheets, and General  
 21 Orders, which can be found on the Court's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

22 In addition, all counsel and *pro se* Parties shall review Judge Lin's Chambers  
 23 Procedures at <https://www.wawd.uscourts.gov/judges/lin-procedures>.

24 **Counsel and *pro se* Parties are expected to abide by the requirements set**  
 25 **forth in the Local Rules and General Orders as well as Judge Lin's Chambers**  
 26 **Procedures. Failure to do so may result in the imposition of sanctions.**

### 1           **III. JOINT STATUS REPORT & DISCOVERY PLAN**

2           As noted above, all counsel and any *pro se* Parties are directed to confer and  
3 provide the Court with a combined Joint Status Report and Discovery Plan (the  
4 "Report") by August 2, 2023. This conference shall be by direct and personal  
5 communication, whether that be an in–person or virtual face–to–face meeting or a  
6 telephonic conference. The Report will be used to set a schedule for the prompt  
7 resolution of the case. It must contain the following information by corresponding  
8 paragraph numbers:

9           1. A statement of the nature and complexity of the case.

10           2. The Parties have the right to consent to assignment of this case to a full time  
11 United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c) and Local Magistrate  
12 Judge Rule 13 to conduct all proceedings. The Western District of Washington assigns a  
13 wide range of cases to Magistrate Judges. The Magistrate Judges of this District thus  
14 have significant experience in all types of civil matters filed in our court. Additional  
15 information about our district's Magistrate Judges can be found at  
16 [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov). The Parties should indicate whether they agree that the  
17 Honorable Michelle L. Peterson may conduct all proceedings in this case, including trial  
18 and the entry of judgment. When responding to this question, the Parties should only  
19 respond "yes" or "no." A "yes" response should be indicated only if all Parties consent.  
20 Otherwise, a "no" response should be provided. Individual Party responses should not be  
21 provided.

22           3. A proposed deadline for joining additional Parties.

23           4. For class action cases only: A proposed deadline for the filing of the Motion  
24 for Class Certification. The Parties shall propose an agreed–upon briefing schedule for  
25 the class certification motion. Non–class action cases shall simply state "N/A."

26           5. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),

1 the Parties' views and proposals on all items set forth in FRCP 26(f)(3), which includes  
2 the following topics:

- 3 (A) initial disclosures;
- 4 (B) subjects, timing, and potential phasing of discovery;
- 5 (C) any issues about discovery or electronically stored information;
- 6 (D) privilege issues;
- 7 (E) changes to discovery limitations imposed under the Federal and Local  
Civil Rules or other proposed limitations on discovery; and
- 8 (F) the need for any discovery-related orders.

10 6. The Parties' views, proposals, and agreements, by corresponding paragraph  
11 letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes  
12 the following topics:

- 13 (A) prompt case resolution;
- 14 (B) alternative dispute resolution;
- 15 (C) related cases;
- 16 (D) discovery management;
- 17 (E) anticipated discovery sought;
- 18 (F) phasing motions;
- 19 (G) preservation of discoverable information;
- 20 (H) privilege issues;
- 21 (I) Model Protocol for Discovery of ESI; and
- 22 (J) alternatives to the Model Protocol.

23 7. The date by which discovery will be completed.

24 8. Whether the case should be bifurcated, *e.g.*, by trying the liability issues before  
25 the damages issues.

26 9. Whether the pretrial statements and pretrial order called for by Local Civil

1 Rules 16(e), (h), (i), and (k) and 16.1 should be dispensed with in whole or in part for  
2 economy.

3       10. Whether the Parties intend to utilize the Individualized Trial Program set forth  
4 in Local Civil Rule 39.2.

5       11. Whether the Parties intend to utilize any Alternative Dispute Resolution  
6 ("ADR") options set forth in Local Civil Rule 39.1.

7       12. Any other suggestions for shortening or simplifying the case.

8       13. The date the case will be ready for trial. The Court expects that most civil  
9 cases will be ready for trial within a year after filing the Report. If the Parties will be  
10 proposing a trial date more than fourteen months from the date of the filing of the Report,  
11 the Parties shall include in this section of the report an explanation as to why the  
12 additional time is required.

13       14. Whether the trial will be a jury or non-jury trial.

14       15. The number of trial days required. The Parties should plan for five hours  
15 of testimony each day.

16       16. The names, addresses, and telephone numbers of all trial counsel.

17       17. The dates on which trial counsel may have conflicts or other complications  
18 to be considered in setting a trial date.

19       18. If, on the due date of the Report, all Defendant(s) or Respondent(s) have not  
20 been served, counsel for Plaintiff(s) shall advise the Court when service will be  
21 effected, why it was not made earlier, and shall provide a proposed schedule for the  
22 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

23       19. Whether any Party wishes to have a scheduling conference in advance of the  
24 Court's entry of a scheduling order in the case.

25       20. List the date(s) that each and every nongovernmental corporate Party filed  
26 its disclosure statement pursuant to FRCP 7.1 and Local Civil Rule 7.1.

1       21. A certification that all counsel and any *pro se* Parties have reviewed Judge  
2 Lin's Chambers Procedures, the Local Rules, General Orders, and the applicable  
3 Electronic Filing Procedures.

4       22. A certification that all counsel and any *pro se* Parties have reviewed and  
5 complied with Judge Lin's Standing Order Regarding 28 U.S.C. § 455 and Canon 3 of  
6 the Code of Conduct for United States Judges.

7           If the Parties are unable to agree on any part of the Report, they may answer in  
8 separate paragraphs. No separate reports are to be filed. If the Parties wish to have a  
9 status conference with the Court at any time during the pendency of this action, they  
10 should notify Kadya Peter, Courtroom Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

11          Any request for relief must be separately filed as a stipulated motion, where  
12 feasible, or a disputed motion. Local Civil Rule 16(a).

#### 13           **IV. PLAINTIFF'S RESPONSIBILITY**

14          This Order is issued at the outset of the case, and a copy is sent by the clerk to  
15 counsel for Plaintiff (or to Plaintiff, if *pro se*) and any Defendants who have appeared.  
16 Plaintiff's counsel (or Plaintiff, if *pro se*) is directed to serve copies of this Order on all  
17 Parties who appear after this Order is filed. Such service shall be accomplished **within**  
18 **ten (10) days** after each appearance. Plaintiff's counsel (or Plaintiff, if *pro se*) will be  
19 responsible for starting the communications needed to comply with this Order.

#### 20           **V. EARLY SETTLEMENT CONSIDERATION & NOTIFICATION**

21          When civil cases are settled early – before becoming costly and time consuming –  
22 all Parties and the Court benefit. The Federal Bar Association Alternative Dispute  
23 Resolution Task Force Report for this District has stated:

1 [T]he major ADR-related problem is not the percentage of civil cases that  
2 ultimately settle, since statistics demonstrate that approximately 95% of all  
3 cases are resolved without trial. However, the timing of settlement is a  
4 major concern. Frequently, under our existing ADR system, case resolution  
5 occurs far too late, after the parties have completed discovery and incurred  
6 substantial expenditure of fees and costs.

7 This District has adopted a resolution "approving the Task Force's  
8 recommendation that court-connected ADR services be provided as early, effectively,  
9 and economically as possible in every suitable case." The steps required by this Order are  
10 meant to help achieve that goal while preserving the rights of all Parties.

11 If settlement is achieved, counsel shall immediately notify Kadya Peter, Courtroom  
12 Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

## 13 VI. SANCTIONS

14 The Parties are responsible for complying with the terms of this Order. The Court  
15 may impose sanctions on any Party who fails to comply fully with this Order.

16 Dated the 7th of June 2023.

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19 Tana Lin  
20 United States District Judge  
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